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Ms. Hesse;

I would like to submit some comments regarding the issue of the proposed settlement of the U.S. v. Microsoft antitrust case.

I am an Information Systems professional and I have very grave concerns about the proposed settlement. The Microsoft Corporation has been found guilty of violating certain parts of the Sherman Act, yet the settlement proposed does almost nothing to curb future violations by this illegal monopoly and nothing at all to punish them for their past illegal actions. In fact it is a commonly considered opinion among those in my profession that the proposed settlement gives Microsoft license to continue their monopoly with impunity. As I see it, the Microsoft Corporation will continue to unfairly control and extend their monopoly if the terms of this settlement are accepted. I would like to propose the following modifications to the settlement:

- \* The sale of Microsoft products must be placed on a level playing field with their competitors. Forbidding Microsoft from requiring exclusive contracts from new computer manufacturers and resellers is a start. But to be truly competitive, Microsoft products must be offered as extra cost items just as any other competitive software or hardware product in a new computer sale. Not only should consumers have a choice of software products installed on new computers, they must also be presented with the true cost of their selection.
- \* Microsoft has a monopolistic lock on the use of desktop office applications. This lock is extended by the use of proprietary file formats that prohibit documents created with their products from being effectively read or modified by competitive products. Until this strangle hold is stopped there can be no effective competition in the area of desktop office applications. Forcing Microsoft to open the APIs (Application Program Interfaces) more fully is a start, but the proposed settlement seems to allow Microsoft the choice of who gets the benefit from this. Microsoft should be forced to fully release the specifications for all of their current and future proprietary file formats used in desktop office applications.
- \* The method that Microsoft employed to establish their proprietary formats in the area of desktop office applications is also being used to create proprietary network protocols. Already the use of proprietary extensions to network protocols by Microsoft is threatening to extinguish the open standards that the Internet was built upon and substitute proprietary standards useable only by Microsoft products. In fact Microsoft has already admitted this as a strategy to eliminate competition ([www.opensource.org/halloween/halloween1.html](http://www.opensource.org/halloween/halloween1.html)). If this continues, Microsoft will have wrested control of the Internet and established their products as the de facto standard. To prevent Microsoft from leveraging their monopoly in this way they must be required to submit all proposed networking protocols to an independent network protocol body for approval, complete with details that will allow competitors to use those protocols effectively.

I have read comments from various sources that indicate that the proposed settlement should be accepted as a matter of national interest. Though this is a legitimate reason to settle the case, it is not a legitimate reason to accept this settlement. The Microsoft Corporation has shown that it will settle for nothing less than complete domination of the software industry and all that it entails. Further, they have demonstrated that they are willing to use illegal means to achieve that end. It is in the national interest that no single entity be allowed to control something so important as our nation's information systems infrastructure. The capitalistic model that our country's economic system is built upon requires competition and the proposed settlement does little to encourage future competition with the current monopolist. Though it may be tempting to accept the proposed settlement in these economic times, the long range effect will benefit Microsoft's interests above those of the nation.

Respectfully submitted,

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